

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LEO WALLS,

Petitioner,

vs.

ROBERT LEGRAND, *et al.*,

Respondents.

3:12-cv-00131-LRH-WGC

ORDER

This is a habeas corpus case pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1.) Based on the information concerning petitioner's financial status, the court finds that the motion to proceed *in forma pauperis* should be granted. Petitioner shall not be required to pay the filing fee for his habeas corpus petition.

Petitioner has submitted a supplemental brief for his petition. (ECF No. 1-2.) The court will file the brief and serve it along with the petition.

Petitioner moves for copies of the documents he has submitted to the court. (ECF No. 1-3). The court grants this motion and will provide petitioner with one copy of his petition and one copy of his brief.

IT IS THEREFORE ORDERED that the clerk shall **DETACH and FILE** the supplemental brief submitted by petitioner (ECF No. 1-2.)

IT IS THEREFORE ORDERED that the clerk shall **ELECTRONICALLY SERVE** the petition (ECF No. 4) and the supplemental brief (ECF No. 1-2) upon the respondents. A petition for

1 federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails
2 to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon
3 that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not
4 included in his petition, he should notify the court of that as soon as possible, perhaps by means of a
5 motion to amend his petition to add the claim.

6 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** from entry of
7 this order within which to answer, or otherwise respond to, the petition. In their answer or other
8 response, respondents shall address any claims presented by petitioner in his petition as well as any
9 claims presented by petitioner in any statement of additional claims. Respondents shall raise all
10 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
11 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
12 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
13 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**
14 **five (45) days** from the date of service of the answer to file a reply.

15 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the attorney general
16 of the state of Nevada a copy of every pleading, motion, or other document he submits for consideration
17 by the court. Petitioner shall include with the original paper submitted for filing a certificate stating the
18 date that a true and correct copy of the document was mailed to the attorney general. The court may
19 disregard any paper that does not include a certificate of service. After respondents appear in this action,
20 petitioner shall make such service upon the particular deputy attorney general assigned to the case.

21 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents shall be
22 filed with a separate index of exhibits identifying the exhibits by number or letter. The CM/ECF
23 attachments that are filed further shall be identified by the number or numbers (or letter or letters) of the
24 exhibits in the attachment. **The hard copy of any additional state court record exhibits shall be**
25 **forwarded – for this case – to the staff attorneys in Reno.**

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1 **IT IS FURTHER ORDERED** that petitioner's motion for copies (ECF Nos. 1-3) is
2 **GRANTED**. The clerk shall **SEND** petitioner one copy of his petition and one copy of his brief.

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4 DATED this 27th day of July, 2012.



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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE